

NOTICE OF VIOLATION

The Honolulu Medical Group
Honolulu, Hawaii

Docket No. 030-11006
License No. 53-16421-01
EA 95-006

Based on the NRC's review of U.S. Department of Labor findings, including an August 14, 1992, finding by the District Director of the Wage and Hour Division; a December 13, 1994 Recommended Decision and Order issued by an Administrative Law Judge; and a September 6, 1995, Decision and Limited Remand Order issued by the Secretary of Labor, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 30.7(a) states, in part, that discrimination by a Commission licensee against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to terms, conditions or privileges of employment. 10 CFR 30.7(a)(1) states, in part, that protected activities include but are not limited to an employee providing his or her employer information about alleged violations of requirements.

Contrary to the above, on May 22, 1992, The Honolulu Medical Group, a licensee of the Commission, discriminated against Richard G. Smith, an employee of the licensee, when HMG discharged Mr. Smith as a result of Mr. Smith's engaging in protected activities. Specifically, Mr. Smith alleged infractions of NRC requirements in a letter dated May 20, 1992, and HMG terminated Mr. Smith on May 22, 1992 based on his having written the letter. (01012)

This is a Severity Level II violation (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, The Honolulu Medical Group (Licensee) is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, within 30 days of the date of this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) the reason for the violation or if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence already addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy or proprietary information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Arlington, Texas,
this 23rd day of January 1997